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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/811,160	03/26/2004	Eric Joseph Bilskie	9596	1981

27752 7590 02/27/2007
THE PROCTER & GAMBLE COMPANY
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EXAMINER	
PETERSON, KENNETH E	
ART UNIT	PAPER NUMBER
3724	

SHORTENED STATUTORY PERIOD OF RESPONSE	MAIL DATE	DELIVERY MODE
3 MONTHS	02/27/2007	PAPER

Please find below and/or attached an Office communication concerning this application or proceeding.

If NO period for reply is specified above, the maximum statutory period will apply and will expire 6 MONTHS from the mailing date of this communication.

eD

Office Action Summary

Application No.

10/811,160

Applicant(s)

BILSKIE ET AL.

Examiner

Kenneth E. Peterson

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 03 January 2007.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1,3-7,9,11-14,16,18 and 19 is/are pending in the application.
- 4a) Of the above claim(s) 2,8,10,15,17,20 is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1,3-7,9,11-14,16,18 and 19 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
 2. ☐ Certified copies of the priority documents have been received in Application No. _____.
 3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- * See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|--|---|
| 1) <input type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413) |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | Paper No(s)/Mail Date. _____ |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO/SB/08) | 5) <input type="checkbox"/> Notice of Informal Patent Application |
| Paper No(s)/Mail Date _____ | 6) <input type="checkbox"/> Other: _____ |

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1. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

2. Claims 1,3-7,9,11-14,16,18 and 19 are rejected under 35 U.S.C. 103(a).

McCay et al.'575 shows a core slabber with most of the recited limitation including a cutter (30) mounted on an axial traversing element (23,31), which in turn is mounted on a radial traversing element (11). The feeler 80 constitutes a controller that determines a maximum depth of cut (paragraph spanning columns 3 and 4). Below the roll is a material removal section, which receives the cut material.

McCay lacks an integral transport element, but it is well known in the art to employ an integral transport element, as taught by Watanabe et al.'971, who shows a carriage 6 for transporting the roll in from a feed section. The roll is intrinsically conveyed to a nearby "discharge station". It would have been obvious to one of ordinary skill in the art to have modified McCay by adding an integral transport element, as taught by Watanabe, in order to facilitate loading of the heavy roll.

Furthermore, the court have long held that making something integral or separable is a simple matter of design choice by the manufacturer.

3. Applicant's arguments have been fully considered but they are not persuasive.

Applicant argues that his transport element is "integral" with the apparatus.

Given that Applicant's transport element is movable relative to the apparatus, and is no

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doubt removable by disassembly of the device, the term "integral" must be given certain breadth. In this case, the appropriate breadth is "not easily removed nor intended to be removed from the apparatus". In the case of Watanabe, there are two embodiments, a truck on rails, and a conveyor, both set forth on line 33 of column 4. The conveyor is certainly not easily removable from the apparatus. The truck, in combination with the rails it rides on, are also not easily removable. Mind you that wherever those rails lead to, they are still part of the apparatus, so even if the truck travels across the factory floor on the rails, it is still part of the same apparatus, since it is confined to the rails that are part of the apparatus. To distinguish over these references, Applicant needs to focus more on the structural differences between his transport element and those of Watanabe.

Applicant further argues that "integral" means "*of, relating to, or serving to form a whole; organically joined or linked*". McCay, as modified, actually meets all five of these alternative definitions. Note that the term "organically" is not referring to biological mechanisms, but instead is referring to constituting a basic part. Hsu's truck+rail or conveyor (as modified by Watanabe) is an integral part of the apparatus since they are solidly connected via the support surface.

OF - The truck+rail is part of the apparatus. The conveyor is part of the apparatus.

RELATING TO - The truck+rail is *related to* the apparatus. The conveyor is part *related to* the apparatus.

SERVING TO FORM A WHOLE – The truck+rail and the paper cutter together *serve to form a whole* apparatus. The conveyor and the paper cutter together *serve to form a whole* apparatus.

ORGANICALLY JOINED - The truck+rail is *organically joined to* the apparatus. The conveyor is part *organically joined to* the apparatus.

LINKED - The truck+rail is *linked to* the apparatus. The conveyor is *linked to* the apparatus.

Meeting any one of these definitions would have been sufficient, and meeting all five is quite convincing.


4. This is an RCE. All claims are drawn to the same invention claimed earlier and have already been finally rejected. Accordingly, **THIS ACTION IS MADE FINAL** even though it is a first action in this case. See MPEP § 706.07(b). Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire THREE MONTHS from the mailing date of this action. In the event a first reply is filed within TWO MONTHS of the mailing date of this final action and the advisory action is not mailed until after the end of the THREE-MONTH shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no, however, event will the statutory period for reply expire later than SIX MONTHS from the mailing date of this final action.

5. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Kenneth E. Peterson whose telephone number is 571-272-4512. The examiner can normally be reached on Mon-Thur, 7:30-4:30.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Boyer Ashley can be reached on 571-272-4502. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.



KENNETH E. PETERSON
PRIMARY EXAMINER

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